

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**SHANNON NEALY,**

**Plaintiff,**

**v.**

**Civil Action 2:18-cv-1759**

**Judge George C. Smith**

**Magistrate Judge Chelsey M. Vascura**

**GNC HILLIARD LLC, *et al.*,**

**Defendants.**

**REPORT AND RECOMMENDATION**

Plaintiff, by and through counsel, filed an Amended Complaint adding additional Defendants Heritage Oaks Management Enterprises USA, LLC and Sentio Healthcare Properties, Inc. on November 1, 2019. (ECF No. 32.) On February 13, 2020, the Court ordered Plaintiff to show cause as to why this action should not be dismissed against Defendant Sentio Healthcare Properties, Inc. without prejudice for failure to timely effect service pursuant to Federal Rule of Civil Procedure 4(m). (ECF No. 46.) To date, Plaintiff has failed to respond to the Court's Show Cause Order. It is therefore **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** against Defendant Sentio Healthcare Properties, Inc. pursuant to Rule 4(m) for failure to timely effect service of process.

**PROCEDURE ON OBJECTIONS**

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting

authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Chelsey M. Vascura  
CHELSEY M. VASCURA  
UNITED STATES MAGISTRATE JUDGE